

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

HAROLD WAYNE NICHOLS,)	
)	
Plaintiff,)	<u>CAPITAL CASE</u>
)	
v.)	No. 3:25-cv-442
)	
JONATHAN SKRMETTI, in his official)	Judge Richardson
capacity as Attorney General and)	
Reporter of the State of Tennessee,)	
)	
FRANK STRADA, in his official capacity)	
as Commissioner of the Tennessee)	
Department of Correction,)	
)	
KENNETH NELSEN, in his official)	
capacity as Warden of the Riverbend)	
Maximum Security Institution, and)	
)	
JOHN DOE Participants,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

Jonathan Skrmetti, Attorney General and Reporter of the State of Tennessee, Frank Strada, Commissioner of the Tennessee Department of Correction, and Kenneth Nelsen, Warden of Riverbend Maximum Security Institution, move to dismiss Plaintiff Harold Wayne Nichols's Complaint.¹ As described in the accompanying memorandum of law, the Complaint contains procedural defects that bar relief and otherwise fails to state a claim upon which relief can be granted. Specifically, Nichols's general challenge to lethal injection is barred by the statute of limitations. And his challenge to electrocution, along with his First Amendment and RLUIPA

¹ Defendants John Doe Participants are not represented by the undersigned and are therefore not included in this motion.

claims are not ripe for judicial review. Beside these jurisdictional defects, Nichols's claims are either foreclosed by established precedent or fail to make factual allegations that would support a plausible claim for relief. For the reasons described above and within the accompanying memorandum of law, the Court should dismiss Nichols's Complaint entirely.

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Cody N. Brandon
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was filed and served by operation of the Court's electronic filing system on this the 20th of June 2025, upon:

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